

Magistrate Judge Mary Alice Theiler

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY ARTHUR REHBERG,

Defendant.

NO. MJ 16-63

COMPLAINT for VIOLATION

Title 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A),
841(b)(1)(B)

BEFORE, Mary Alice Theiler, United States Magistrate Judge, U. S. Courthouse,
Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT ONE

(Possession with Intent to Distribute Methamphetamine and Heroin)

On February 9, 2016, in Everett, within the Western District of Washington,
TIMOTHY ARTHUR REHBERG, did knowingly and intentionally possess, with intent
to distribute, methamphetamine and heroin, both substances controlled under Title 21,
United States Code, Section 812.

It is further alleged that this offense involved 50 grams or more of
methamphetamine, its salts, isomers, or salts of its isomers, and 100 grams or more of a

1 mixture or substance containing a detectable amount of heroin, in violation of Title 21,
2 United States Code, Sections 841(b)(1)(A) and 841(b)(1)(B).

3 All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A),
4 and 841(b)(1)(B).

5
6 And the complainant states that this Complaint is based on the following
7 information:

8 I, Rudy Gonzales, being first duly sworn on oath, depose and say:

9 1. I am a Detective with the Seattle Police Department (SPD), assigned as a
10 Task Force Officer (TFO) to the Drug Enforcement Administration (DEA)'s field office
11 in Seattle, Washington. I have worked as a law enforcement officer for 27 years. In the
12 course of my duties as a law enforcement officer, I have participated extensively in both
13 state and federal investigations concerning individuals and organizations trafficking in
14 controlled substances. Through my formal training as a law enforcement officer, and my
15 practical experience, I am familiar with the methods and means used by individuals to
16 transport and distribute controlled substances, and I am familiar with the use of
17 confidential sources, surveillance, and other techniques to investigate individuals
18 distributing controlled substances.

19 2. The facts in this affidavit come from my personal observations, my training
20 and experience, and information obtained from other agents, detectives, analysts, and
21 witnesses. This affidavit is intended to show that there is sufficient probable cause that
22 the Defendant committed the offense charged above. This affidavit does not set forth all
23 of my knowledge about this matter.
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1 3. In December 2015, a confidential source (hereinafter referred to as "CS")¹
2 informed me that a white male was selling heroin, methamphetamine and marijuana in
3 Snohomish County, Washington, and provided me with information about that person.
4 Specifically, the CS informed me that the person selling the narcotics was named "Tim"
5 and informed me that the person regularly drove a silver Volkswagen GTI bearing
6 Washington license plate number 910-ZCJ. I looked up the license plate number
7 provided to me by the CS in a database maintained by the Washington State Department
8 of Licensing ("DOL"), and discovered that the license plate number was associated with
9 a silver 2003 Volkswagen GTI registered to the Defendant, TIMOTHY ARTHUR
10 REHBERG. I then found a photograph of REHBERG on the Washington DOL's
11 database and presented that photograph to the CS. The CS positively identified the
12 photograph of REHBERG as "Tim" – the white male who was selling heroin,
13 methamphetamine, and marijuana in Snohomish County.

14 4. The CS also informed me that REHBERG was a drug and alcohol
15 counselor who owned and managed numerous clean and sober houses in north Everett. I
16 performed a public records search of REHBERG and discovered that REHBERG was the
17 founder and operator of a non-profit organization named "I.C. Clean People Recovery
18 Housing."
19

20 5. Between January 6, 2016 and February 4, 2016, I directed the CS to
21 purchase heroin and methamphetamine from REHBERG on four separate occasions
22 through "controlled-buy" operations. In each of the four controlled buys, law
23 enforcement officers working at my direction searched the CS before the CS met with
24 REHBERG. After law enforcement officers determined that the CS did not possess any
25 controlled substances or other contraband, and equipped the CS with a hidden state-
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27 ¹ I am aware that the CS has a significant criminal history, though he has no felony convictions of which I am aware.
28 The CS also has a history of drug use. The CS has cooperated extensively with law enforcement in return for
payment and leniency in a criminal matter.

1 authorized recording device, the CS was directed to purchase heroin, methamphetamine,
2 and/or other controlled substances from REHBERG at a location agreed by the CS and
3 REHBERG. After purchasing the controlled substances from REHBERG, the CS was
4 directed to meet with law enforcement officers and surrender the controlled substances
5 that the CS purchased from REHBERG. Law enforcement officers then field-tested the
6 controlled substances surrendered by the CS. The four controlled buys were as follows:

7
8 a. On January 6, 2016, the CS purchased 13.4 grams of heroin from
9 REHBERG in exchange for \$600.00 of law enforcement funds. During this purchase, the
10 CS visited REHBERG at REHBERG's business office, which the CS knew to be a
11 detached garage located at 2901 Everett Avenue in Everett, Washington, where
12 REHBERG maintains one of his clean and sober facilities. The narcotics purchased by
13 the CS field-tested positive for heroin.

14 b. On January 11, 2016, the CS purchased 16.4 grams of
15 methamphetamine and 30.7 grams of marijuana from REHBERG in exchange for
16 \$475.00 of law enforcement funds. At REHBERG's direction, REHBERG and the CS
17 conducted the purchase at a barn-like structure located at 6419 Larimer Road in Everett,
18 Washington. A records check of that address found that it was owned by REHBERG.
19 The narcotics purchased by the CS field-tested positive for methamphetamine and
20 marijuana.

21 c. On January 19, 2016, the CS purchased 61.9 grams of
22 methamphetamine from REHBERG in exchange for \$1,100.00 of law enforcement funds.
23 During this purchase, the CS visited REHBERG at the detached garage located at 2901
24 Everett Avenue in Everett, Washington, which REHBERG uses as his business office.
25 The narcotics purchased by the CS field-tested positive for methamphetamine.
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27 d. On February 4, 2016, the CS purchased 61 grams of
28 methamphetamine and 91.2 grams of marijuana in exchange \$1,450.00 of law

1 enforcement funds. During this purchase, the CS visited REHBERG at the detached
2 garage located at 2901 Everett Avenue in Everett, Washington, which REHBERG uses as
3 his business office. The narcotics purchased by the CS field-tested positive for
4 methamphetamine and marijuana.

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6 6. Based on these four controlled-buy operations and other information
7 obtained during the investigation of REHBERG, including regular law enforcement
8 observation of REHBERG driving the above-referenced silver 2003 Volkswagen GTI, I
9 applied for and obtained search warrants for two of the addresses occupied by
10 REHBERG, which are the detached garage used as a business office at 2901 Everett
11 Avenue in Everett, Washington, and the barn-like structure at 6419 Larimer Road SE in
12 Everett, Washington. I also applied for search warrants for the silver 2003 Volkswagen
13 GTI and a white Ford Van bearing Washington license plate number A75422Z that was
14 purchased by REHBERG according to Washington DOL records. The search warrants
15 were issued by a Snohomish County Superior Court Judge.

16 7. On February 9, 2016, law enforcement officers arrested REHBERG for the
17 above-referenced drug offenses. At the time of the arrest, REHBERG was driving the
18 silver 2003 Volkswagen GTI. A search of REHBERG's person resulted in the recovery
19 of \$6,050.00 in US currency and two cellular phones. Law enforcement officers also
20 discovered an electronic monitoring device attached to REHBERG's ankle. I was aware
21 that REHBERG was on active house-arrest for a recent domestic violence incident, and
22 confirmed that information with the Snohomish County Prosecutor's Office.

23
24 8. Law enforcement officers informed REHBERG of his *Miranda* rights.
25 REHBERG stated that he understood his *Miranda* rights and waived those rights.

26 9. REHBERG expressed a willingness to cooperate with law enforcement.
27 Upon conferring with his attorney, REHBERG provided law enforcement with
28 information about the precise location of drugs and a firearm in his business office.

1 REHBERG told me that he had a safe inside his business office inside the detached
2 garage at 2901 Everett Avenue in Everett, Washington. REHBERG told me that the safe
3 contained a pound of methamphetamine and six ounces of heroin.

4
5 10. REHBERG also told me that the safe contained a firearm. He immediately
6 acknowledged to me that having a firearm was a "huge" mistake and that he knew that he
7 was not supposed to possess any firearms due to his criminal history. I have reviewed
8 court records related to various criminal convictions for REHBERG and have confirmed
9 that REHBERG was convicted in Skagit County in 1993 for the felony offense of
10 manufacturing marijuana, and that REHBERG was convicted for eight gross
11 misdemeanors in state courts between 1995 and 2015 for crimes including domestic
12 violence, assault in the fourth degree, violation of protective orders, forgery, and various
13 violations involving deadly weapons. REHBERG currently has a protection/no-contact
14 order listing REHBERG as the respondent, which prohibits REHBERG from possessing
15 any firearms.

16 11. Soon after REHBERG's arrest on February 9, 2016, law enforcement
17 officers executed the search warrant on the detached garage at 2901 Everett Avenue in
18 Everett, Washington. The detached garage was locked and secured by a combination
19 lock. REHBERG provided me with the code to unlock the door to the detached garage
20 and the code to disarm a door alarm for the garage. REHBERG also told me that he was
21 the only person who had access or permission to enter the detached garage.

22 12. During the search of the garage, law enforcement officers located a locked
23 safe. REHBERG provided me with the combination necessary to unlock the safe. Law
24 enforcement officers applied the combination provided by REHBERG and unlocked the
25 safe. When law enforcement officers opened the safe, they found a loaded Smith &
26 Wesson Model BG38, five shot .38 caliber revolver, bearing serial #CRL3281 inside the
27 safe. The revolver contained four live rounds of ammunition. Law enforcement officers
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1 also found and field-tested approximately 485 grams of methamphetamine, 122 grams of
2 heroin, 150 grams of marijuana, eight boxes of subxone and 20 grams of Oxycodone.
3 From my training and experience, I expect the seized methamphetamine to be at least
4 50% pure. Furthermore, I know, from my training and experience, that the amounts of
5 methamphetamine and heroin seized from the safe are consistent with distribution, rather
6 than personal use.

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8 13. Law enforcement officers then searched the detached garage in which the
9 safe was located and found documents that suggested REHBERG was receiving funding
10 from numerous state agencies for tenants residing at his clean and sober residences.

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1 14. Based on the above facts, I respectfully submit that there is probable cause
2 to believe that TIMOTHY ARTHUR REHBERG did knowingly and intentionally
3 possess, with intent to distribute, both methamphetamine and heroin. I further believe
4 that this offense involved 50 grams or more of methamphetamine, its salts, isomers, or
5 salts of its isomers, and 100 grams or more of a mixture or substance containing a
6 detectable amount of heroin.

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9 
10 RUDY GONZALES
11 TASK FORCE OFFICER, DRUG
12 ENFORCEMENT AGENCY

13 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
14 presence, the Court hereby finds that there is probable cause to believe the Defendant
15 committed the offense set forth in the Complaint.

16 Dated this 11 day of February, 2016.

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19 MARY ALICE THEILER
20 U.S. MAGISTRATE JUDGE
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